

# **Carnival and Amusement Ride Safety Advisory Board Meeting**

**March 15, 2007**

**Board Members Present:** William M. Connolly, Chair; Judith Mullins, Vice Chair; William Dauphinee; William Gehlhaus; Lucy Murphy; Geoffrey Rogers; Ernest Niles; Michael Skelly; Nancy Sheridan; William Zumsteg

**DCA Staff Present:** Cynthia Wilk, Div. of Codes and Standards; Michael Baier, Acting Chief, Bureau of Code Services; Michael Triplett, Carnival and Amusement Ride Safety Unit; Carrie Battista, Bureau of Code Services; Andreas Lichter, Carnival and Amusement Ride Safety Unit; Donald VanHouten, Carnival and Amusement Ride Safety Unit

**Members of the Public:** Robert Hoban, NJAA; Ed McGlynn, NJAA; Kim Samarelli, NJAA; Ed Zakar, NJAA; Anthony Casale, Fun Party Amusements; Mark Zeintek, NJ Partyworks; Lary Zucker, NJAA; Claudine Leone, NJ American Camp Assn.

**The meeting was called to order at 10:15 am.**

**Approval of the Minutes of January 25, 2007.**

A motion was made by William Gehlhaus seconded by William Dauphinee to accept the minutes of the 1/25/07 meeting. The minutes were approved without change.

## **C. Old Business**

**1. Rockwall rule proposal** - The Department staff reported that action on the proposal was tabled at the last meeting so that the New Jersey Amusement Association could review the proposal. There were no changes made to the proposal since the last meeting and therefore the Department reported that the proposal was ready for action from the Board. William Gehlhaus reported that the New Jersey Amusement Association reviewed the proposal and had no objection. Judy Mullins made a motion to approve the proposal, Mr. Gehlhaus seconded the motion. The motion passed.

**2. Water Park Ride Rule Progress Report** – Mr. Rogers reported that the water park subcommittee had continued to meet since the last Board meeting and continues to make progress. It was estimated that the committee could have a document that was ready for the Board to review after one or two more meetings.

**3. Certified Maintenance Technician** – Staff reported that the proposal had been given to a working committee chaired by William Dauphinee. The Department took the work of the working committee and summarized what could be done by a CMT in section 2.17. Since the Department will not be issuing certifications it changed the title of the position

to Chief Maintenance Technician. Mr. Dauphinee confirmed that the new section 2.17 simply restated who may do what type of work which the working group agreed on. A Board member asked how long the NAARSO and AIMS certifications were good for. The certifications must be renewed every 2 years and the appropriate continuing education must be taken. A board member asked who decides what other programs are recognized. The Department is given the right to recognize other equivalent programs in the proposal. A board member asked if New Jersey would recognize Pennsylvania certifications since NAARSO and AIMS do. Staff responded that if NAARSO and AIMS recognize it, then we do too but that we are not contemplating adding the Pennsylvania certification to the list. A board member asked if the item that allows a manufacturer's employee working on would also extend to a subcontractor of that manufacturer. Staff reported that it does and will add this to the proposal. A board member noted that in the proposal there are now 3 levels of personnel, a CMT, a maintenance technician and a qualified person and questioned whether three levels were needed. Mr. Dauphinee responded that the working group felt that they were. It was noted that the word "to" should be added in 2.18(b) between the words "permitted" and "perform." A member of the public asked how the rule would affect the installation of a new roller coaster. Staff reported that this would most likely be covered by the provision that lets a manufacturer or their subcontractor act as a CMT. Another member of the public voiced a concern that the term Chief Maintenance Technician is already used by many parks as a job title and may lead to confusion. The board agreed to use the term "Recognized Certified Maintenance Technician (RCMT)." A board member questioned the use of the term "existing state" under the definition of "maintenance" in the proposed rule. Staff responded that the definition was taken from Webster's dictionary because there does not seem to be a definition in any of the referenced standards used in the rules. There was substantial discussion on a suitable alternative to the term existing state. The board agreed that rides are to be kept in their specified approved state. A member of the public asked if painting should be included in the definition of the term maintenance. Staff reported that it should include painting because that is a type of maintenance. A question about whether repair should be included in the definition of maintenance was raised. Because repairs require a higher level of competency, they need to be defined separate from maintenance. A board member thought that the requirement that minor repairs have a procedure in the maintenance manual could be a problem by unduly limiting what can be done as a minor repair. A member of the public asked if a RCMT was needed for preassembled rides. Staff responded that it is not. A Board member asked if there should be a way of dealing with small rental fixed rides without a RCMT. Staff responded that it thought that the dividing line for hard rides was too hard to define. A member of the public asked if ROAR training would be acceptable for inflatables and smaller rental rides. Staff reported that it had not seen the material and therefore could not say. Mr. Dauphinee suggested that the working group reconvene in the next three weeks to address the issues discussed at this meeting. It was agreed that the committee would meet, it was also agreed that those people interested in having the ROAR training approved would submit it in the same time frame.

**4. Advertising** – Staff reported that two changes had been made to the proposal based on the discussion at the last board meeting. The first is that it is now clear in the proposal

that promotional materials do not constitute advertising for use. The second is that it is allowable for a manufacturer to sell a ride if type certification is pending. A board member asked how the rule would affect general advertisements of rides in trade magazines. Staff responded that as long as the ads did not purport that the rides were approved in NJ when they in fact were not, the ads were not affected by the rule. A board member noted that the term “that ride” should be changed to “a ride” in section 5:14A – 4.2(d). There was additional discussion about the ability of owners to enter into contracts with manufacturers before approval is granted. It was agreed that they may if there is a contingency that allows the purchaser out of the contract if the manufacturer fails to obtain approval. This will be added to the proposal. It was agreed that the staff would make the changes discussed and submit the proposal to the New Jersey Register.

**5. Portable and fixed rides** – Staff presented a proposal on the setup of portable rides at amusement parks. The rule addresses how the connections are made when a portable ride is located at a fixed park and addresses how the ride will withstand environmental loads. The proposal requires fixed wiring to within six feet of the ride perimeter and allows environmental loads to be addressed in one of three ways. Either the ride must be taken down, must be partially taken down or must be designed to withstand the environmental loads. Staff clarified that the method used (anchoring, partial or full takedown) and when it must be done is up to the manufacturer. There were some concerns about the current definitions of fixed and portable rides. William Dauphinee suggested that the issue be referred to the working group and be brought back at the next meeting. The board agreed. A revised proposal will be presented at the next board meeting.

## **D. New Business**

**1. Business address in New Jersey** – The Board was made aware of concerns that were prompted after the Bureau sent a letter concerning the need to have an office in the State of New Jersey. The Department was sent a letter saying that under the Hague Convention there is established a central office in foreign countries that would meet the intent of the rule. Therefore foreign manufacturers should be able to use that system for receiving official correspondence. Mr. Connolly reported that if it was in accordance with a treaty that the US was a party to that would be fine. A Board member asked if corporations in other states would be offered similar relief. Mr. Connolly said that they would not necessarily be offered the same accommodation, since the exception made was pursuant to a federal agreement. A board member asked what would happen to their permit if a manufacturer did not get a new type certification because they don’t comply with the office requirement. Staff replied that they would give the ride owner 30 days to get an individual approval. The type certification is a condition of the permit so when the type certification lapses the permit is invalid. A board member asked if the proposed rule has any affect on the need to pay income taxes because they have a registered agent in New Jersey. Mr. Connolly replied that there were laws that establish that but that this requirement is independent of and has no affect on that requirement. It was reported that many businesses do not want to have to be registered to do business in NJ because of the tax implications. The January 31 st letter sent by the Department uses the term “registered office” and some people thought that might be the cause of the confusion. Mr.

Connolly stated that the Department would send out a letter clarifying that the requirement is separate and distinct from the requirement to have a registered agent in the state and will amend the language in the rule to say that an address to “send official correspondence” is needed.

## **E. Information**

**1. Ride Statistics** – Statistics were not provided to the board but staff had them available if there were any questions. A board member asked how many permits had been issued so far this year compared to last. Staff reported that 1,462 permits had been issued so far this year, compared to 1,274 at this time last year.

## **Public Comment**

There was no public comment.

The meeting was adjourned at 12:33 pm.